

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HARRY ARMSTRONG, : Case No.: C-1-01-817
:
Plaintiff, : Judge Spiegel
: Mag. Judge Sherman
:
v. : **AFFIDAVIT OF KATHERINE C. MORGAN**
:
CINCINNATI BELL TELEPHONE, :
:
Defendant. :

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

Katherine C. Morgan, being duly sworn, hereby deposes, attests and swears as follows:

1. I am an attorney with Frost Brown Todd LLC and represent Defendant Cincinnati Bell Telephone ("CBT") in this matter.
2. During the course of discovery in the above-captioned case, Plaintiff Harry Armstrong ("Plaintiff") signed authorization forms allowing Cincinnati Bell to request copies of his records from his health care providers. My office has provided Plaintiff's counsel with copies of the records we have received from these providers.
3. The health care records referenced in paragraph 2 above do not provide sufficient information for determining amounts actually paid by Plaintiff for services rendered. Indeed, most of Plaintiff's health care providers produced no documentation with regard to amounts billed or paid. Although a handful of pages received from one of the providers appear to refer to billing, these few

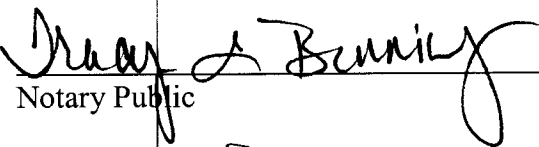
EXHIBIT A

pages do not provide sufficient information as to amounts ultimately paid by Plaintiff versus those paid by his insurer.

4. Attached as Exhibit 1 to this Affidavit is a true and accurate copy of the Notice of Continued Deposition that was issued for Plaintiff's August 27, 2003 deposition. The Notice provided that the deposition would be taken "via oral examination and/or videotape." As a professional courtesy, I faxed and mailed a letter to Plaintiff's counsel on August 19, 2003, in which I advised him that we would in fact be videotaping Plaintiff's deposition. A true and accurate copy of this letter is attached as Exh. 2.
5. The information set forth in this Affidavit is based on my first-hand knowledge and is true and accurate to the best of my information and belief.


Katherine C. Morgan

Sworn to and subscribed before me this 30th day of September 2003.


Notary Public
Tracy L. Benning
Notary Public, State of Ohio
My Commission Expires March 10, 2004

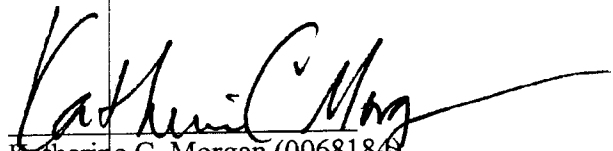
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HARRY ARMSTONG,	:	Case No.: C-1-01-817
	:	
Plaintiff,	:	Judge Spiegel
	:	
v.	:	NOTICE OF CONTINUED
	:	DEPOSITION OF PLAINTIFF
CINCINNATI BELL TELEPHONE,	:	
	:	
Defendant.	:	

Please take notice that beginning at 9:30 a.m. on August 27, 2003 at the offices of FROST BROWN TODD LLC, 2200 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202, Defendant, Cincinnati Bell Telephone, by and through its undersigned counsel, will take the continued deposition of Plaintiff Harry Armstrong before a court reporter authorized to administer oaths via oral examination and/or videotape. The deposition will continue from day to day, if necessary, until completed.

Respectfully submitted,



Katherine C. Morgan (0068184)
Trial Attorney for Defendant
Cincinnati Bell Telephone
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202-4182
(513) 651-6800

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Continued Deposition of Plaintiff Harry Armstrong has been served upon Tim Deardorff, 2645 Erie Avenue, Suite 41, Cincinnati, Ohio 45208 by regular U.S. mail and facsimile this 23rd day of July, 2003.

A handwritten signature in black ink, appearing to read "Kelli C. Meyer", is written over a horizontal line.

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FROST BROWN TODD LLC

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(513) 651-6800
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KATHERINE C. MORGAN
kmorgan@fbtlaw.com
(513) 651-6838

August 19, 2003

VIA FACSIMILE
& REGULAR U.S. MAIL

Timothy J. Deardorff, Esq.
2645 Erie Avenue, Suite #41
Cincinnati, OH 45208

Re: *Armstrong v. Cincinnati Bell Telephone*

Dear Tim:

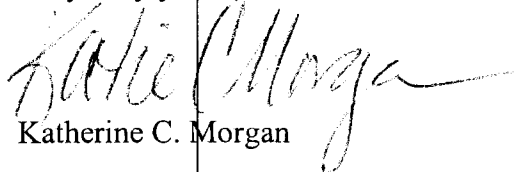
You indicated a few weeks ago that you were in the process of obtaining Plaintiff's tax returns, in response to our discovery requests. In addition, you said that you would be providing us with clarification and supplementation as to Plaintiff's claim for damages, in response to our questions and concerns. To date, we have not received this information and documentation.

Given the August 29, 2003 discovery deadline and Plaintiff's deposition on August 22, we ask that you produce the requested tax returns and damages information and documentation by the end of the day on August 21, 2003. Given our previous conversations and your assurances, I assume that it will not be necessary to go to the Court on these issues. However, please understand that if we do not receive this information and documentation by the requested date, the case deadlines leave us with no choice but to file a Motion to Compel.

Also, as a professional courtesy, I want to let you know that we will be videotaping Plaintiff's deposition on Friday. As you know, this was provided for in our Notice of Deposition.

Please feel free to give me a call if you would like to further discuss any of these issues.

Very truly yours,



Katherine C. Morgan

cc: David A. Skidmore, Jr., Esq.

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